Almira C. Foronda vs Atty. Jose L. Alvarez
A.C. No. 9976, June 5, 2014

Facts

Almira C. Foronda, complainant, engaged the professional services of Atty. Jose L. Alvarez, the respondent. She expected the immediate filing of the petition for the nullity of her marriage after the full payment of attorney's fees on June 10, 2008. However, the respondent filed the said petition only on July 16, 2009. The respondent gave out different reasons for the delay in an attempt to exculpate himself. At the end, the respondent admitted the delay and apologized for it. It cannot be gainsaid that the complainant through her agent was diligent in following up the petition. The different excuses proffered by the respondent also show his lack of candor in his dealings with the complainant.

Respondent induced complainant to lend him money at 5% interest per month but failed to pay the same when he issued a check that was dishonored by the bank due to account close.

Ratio Decidendi

Canon 15. – a lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his client.

Canon 17 – a lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

Canon 18. – a lawyer shall serve his client with competence and diligence[.]

Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and the negligence in connection therewith shall render him liable.

For delaying in filing the petition for complainant, respondent should be deemed guilty of violating Canons 17 and 18 of the Code of Professional Responsibility.

Respondent lied about the delay. The allegations of complainant about how respondent lied to her about the delay in the filing of the petition are very detailed. While denying he misrepresented to complainant that the petition has been filed when it was not, respondent did not care to refute also in detail the allegations of complainant.

"Once a lawyer agrees to take up the cause of a client, the lawyer owes fidelity to such cause and must always be mindful of the trust and confidence reposed in him." He is required by the Canons of Professional Responsibility to undertake the task with zeal, care and utmost devotion."28 "A lawyer who performs his duty with diligence and candor not only protects the interest of his client, he also serves the ends of justice, does honor to the bar, and helps maintain the respect of the community to the legal profession."

It cannot be denied that the respondent’s unfulfilled promise to settle his obligation and the issuance of worthless checks have seriously breached the complainant’s trust.

The issuance of checks which were later dishonored for having been drawn against a closed account indicates a lawyer’s unfitness for the trust and confidence reposed on him, shows such lack of personal honesty and good moral character as to render him unworthy of public confidence, and constitutes a ground for disciplinary action.

Fallo

WHEREFORE, respondent Atty. Jose L. Alvarez, Jr. is SUSPENDED FOR SIX (6) MONTHS from the practice of law with a stem warning that a repetition of any of the offenses involved in this case or a commission of similar acts will merit a more severe penalty. Let a copy of this Decision be entered in Atty. Jose L. Alvarez, Jr. 's record as a member of the Bar, and notice of the same be served on the Integrated Bar of the Philippines, and on the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.